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63D CONGRESS, 2d Session. } HOUSE OF REPRESENTATIVES. { DOCUMENT No. 1030.

TREATY ITEMS, INDIAN APPROPRIATION BILL.

LETTER FROM THE ASSISTANT COMMISSIONER OF INDIAN AFFAIRS SUBMITTING INFORMATION RELATIVE TO EXISTING TREATIES BETWEEN VARIOUS INDIAN TRIBES AND THE UNITED STATES.

JUNE 11, 1914.—Ordered to be printed.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, June 2, 1914.

MY DEAR MR. STEPHENS: In response to your letter of May 27, requesting certain information for the use of your committee regarding the various treaties between the United States and Indian tribes, I have the honor to invite your attention to office letter dated August 25, 1913, covering the subjects stated in your letter.

As the treaty items in the pending bill are practically the same as those contained in the 1914 Indian act, I am inclosing two copies of the report of August 25, 1913, referred to, and trust that the information contained therein will serve the present needs of the committee.

Very truly, yours,

E. B. MERITT,
Assistant Commissioner.

Hon. JOHN H. STEPHENS,
Chairman Committee on Indian Affairs,
House of Representatives.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, August 25, 1913.

Hon. JOHN H. STEPHENS,
Chairman Committee on Indian Affairs,
House of Representatives.

MY DEAR MR. STEPHENS: In further compliance with your favor of July 7 requesting information for the use of your committee as to the date of each treaty on which an appropriation is based in the Indian appropriation act, whether the treaty has expired or is still in force and how long said treaty is to remain in force and effect, I have the honor to transmit herewith a copy of the Indian appropriation act approved June 30, 1913, in which the treaty items are

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numbered in the order in which they appear in the act. They are considered in this letter in their regular order, as follows:

1. The appropriation of $100,000 appearing on page 10 of the Indian appropriation act for the purpose of providing school facilities for the children of the Navajo Tribe of Indians is based on the sixth article of the treaty of June 1, 1868 (15 Stat. L., 667), ratified July 25, 1868, and proclaimed August 12, 1868. Article 6 of this treaty reads as follows:

> In order to insure the civilization of the Indians entering into this treaty, the necessity of education is admitted, especially of such of them as may be settled on said agricultural parts of this reservation, and they therefore pledge themselves to compel their children, male and female, between the ages of six and sixteen years, to attend school; and it is hereby made the duty of the agent for said Indians to see that this stipulation is strictly complied with; and the United States agrees that, for every thirty children between said ages who can be induced or compelled to attend school, a house shall be provided, and a teacher competent to teach the elementary branches of an English education shall be furnished, who will reside among said Indians, and faithfully discharge his or her duties as a teacher.
>
> The provisions of this article to continue for not less than ten years.

Subsequent to the date of this treaty, Congress for a number of years provided limited appropriations in pursuance of article 6 of said treaty. The inadequacy of these appropriations is apparent in the following item found in the Indian appropriation act of May 11, 1880 (21 Stat. L., 114, 121):

> For last of ten installments, for pay of two teachers, per sixth article of treaty of June first, eighteen hundred and sixty-eight, two thousand dollars.

According to the best obtainable information, there are approximately 7,000 reservation and nonreservation Navajo Indian children of school age, and of this number about 1,750 are in reservation, nonreservation, and mission schools, leaving between 4,000 and 5,000 Navajo Indian children without school facilities.

It is believed that the Government is under moral obligations to provide adequate school facilities for the Navajo Indian children.

These Indians have been greatly neglected, and a large majority of the children are growing up in ignorance, and unless the Government does its part in preparing them for the duties of citizenship they will eventually become a burden to the citizens of the States in which they reside.

Notwithstanding that the Congress has heretofore made limited appropriations in pursuance of the provisions of article 6 of the treaty of June 1, 1868, supra, I am of the opinion that a specific appropriation with which to provide adequate school facilities for the children of the Navajo Tribe of Indians should be continued for a number of years.

2. The next treaty item in the Indian act is found on page 11 and reads as follows:

> For fulfilling treaty stipulations with the Bannocks in Idaho: For pay of physician, teacher, carpenter, miller, engineer, farmer, and blacksmith (article ten, treaty of July third, eighteen hundred and sixty-eight), $5,000.

Article 10 of the treaty of July 3, 1868 (15 Stat. L., 673), reads:

> The United States hereby agrees to furnish annually to the Indians the physician, teachers, carpenter, miller, engineer, farmer, and blacksmith, as herein contemplated, and that such appropriations shall be made from time to time, on the estimates of the Secretary of the Interior, as will be sufficient to employ such persons.

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It will be seen that there is no limitation on this treaty provision, and that the appropriation is continued for such time as the Congress may deem proper.

3. The next treaty item reads:

For the Coeur d'Alenes in Idaho: For pay of blacksmith, carpenter, and physician, and purchase of medicines (article eleven, agreement ratified March third, eighteen hundred and ninety-one), $3,000.

The agreement with the Coeur d'Alenes was ratified by the act of Congress of March 3, 1891 (26 Stat. L., 989–1029), and article 11 is as follows:

It is further agreed that in addition to the amount heretofore provided for the benefit of said Coeur d'Alene Indians the United States, at its own expense, will furnish and employ for the benefit of said Indians on said reservation a competent physician, medicines, a blacksmith, and carpenter.

This article of the treaty is without limitation as to time, and the appropriation is continued in the discretion of the Congress.

4. The next treaty item appears on page 12 of the Indian appropriation act, and reads as follows:

For fulfilling treaties with the Sacs and Foxes of the Missouri: For support of a school (article five, treaty of March sixth, eighteen hundred and sixty-one), $200.

The fifth article of the treaty of March 6, 1861, ratified February 6, 1863, with the Sacs and Foxes of Missouri and Iowa, reads in part as follows (12 Stat. L., 1172):

In order to encourage education among the aforesaid tribes of Indians, it is hereby agreed that the United States shall expend the sum of one thousand dollars for the erection of a suitable schoolhouse and dwelling house for the school-teacher, for the benefit of the Sacs and Foxes, and also the additional sum of two hundred dollars per annum for school purposes, so long as the President of the United States may deem advisable.

It would appear that this treaty appropriation should be continued "so long as the President of the United States may deem advisable."

5. The next treaty item in the act reads:

For support of a school or schools for the Chippewas of the Mississippi in Minnesota (article three, treaty of March nineteenth, eighteen hundred and sixty-seven), $4,000.

Article 3 of the treaty of March 19, 1867, with the Chippewas of the Mississippi, ratified March 8, 1867 (16 Stat. L., 719–720), is in part as follows:

In further consideration for the lands herein ceded, estimated t contain about two millions of acres, the United States agree to pay the following sums, to wit: Five thousand dollars for the erection of school buildings upon the reservation provided for in the second article; four thousand dollars each year for ten years, and as long as the President may deem necessary after the ratification of this treaty, for the support of a school or schools upon said reservation. * * *

It would appear from the language used in the treaty that this appropriation should be continued "as long as the President may deem necessary" after the ratification of the treaty.

6. The next treaty item is found on page 15 of the Indian appropriation act and reads as follows:

For fulfilling treaties with Crow, Montana: For pay of physician, $1,200; and for pay of carpenter, miller, engineer, farmer, and blacksmith (article ten, treaty of May seventh, eighteen hundred and sixty-eight), $3,600; for pay of second blacksmith (article eight, same treaty), $1,200; in all, $6,000.

The treaty of May 7, 1868, with the Crow Indians was ratified July 25, 1868 (15 Stat. L., 649). Article 10 of said treaty reads:

The United States hereby agrees to furnish annually to the Indians the physician, teachers, carpenter, miller, engineer, farmer, and blacksmiths as herein contemplated, and that such appropriations shall be made from time to time, on the estimates of the Secretary of the Interior, as will be sufficient to employ such persons.

Article 8 of the treaty mentioned provides, inter alia, that—

such persons as commence farming shall receive instructions from the farmer herein provided for; and whenever more than one hundred persons shall enter upon the cultivation of the soil a second blacksmith shall be provided, with such iron, steel, and other material as may be required.

There does not appear to be any limitation as to time the provisions of articles 8 and 10 of the treaty of May 7, 1868, are to continue in force.

7. The next treaty provision found in the act reads as follows:

For subsistence and civilization of the Northern Cheyennes and Arapahos (agreement with the Sioux Indians, approved February twenty-eighth, eighteen hundred and seventy-seven), including subsistence and civilization of the Northern Cheyennes removed from Pine Ridge Agency to Tongue River, Montana, and for pay of physician, two teachers, two carpenters, one miller, two farmers, a blacksmith, and engineer (article seven, treaty of May tenth, eighteen hundred and sixty-eight), $85,000.

The agreement with the different bands of the Sioux Nation of Indians, and also with the Northern Cheyenne and Arapaho Indians, dated September 26, 1878, was ratified by the act of February 28, 1877 (19 Stat. L., 254). The treaty of May 10, 1868, with the Northern Cheyenne and Northern Arapaho Indians was ratified July 25, 1868 (15 Stat. L., 655).

In the fifth article of the agreement of February 28, 1877, the United States agrees to provide all necessary aid to assist the Indians in the work of civilization and to furnish subsistence and certain specified rations. No amount is mentioned or specified period fixed.

By article 7 of the treaty of May 10, 1868, supra, the United States agrees to furnish annually to the Indians who settled upon the reservation a physician, teachers, carpenter, miller, engineer, farmer, and blacksmiths, as contemplated in said agreement, and that such appropriations shall be made from time to time, on the estimates of the Secretary of the Interior, as will be sufficient to employ such persons, and no limitations in time is found in article 7 of the treaty in question.

8–9. The treaty items for the benefit of the New York Indians are found on page 17 of the act, and read as follows:

For fulfilling treaties with Senecas of New York: For permanent annuity in lieu of interest on stock (act of February nineteenth, eighteen hundred and thirty-one), $6,000.

For fulfilling treaties with Six Nations of New York: For permanent annuity, in clothing and other useful articles (article six, treaty of November eleventh, seventeen hundred and ninety-four), $4,500.

Section 1 of the act of February 19, 1831 (4 Stat. L., 442), entitled "An act to provide hereafter for the payment of six thousand dollars annually to the Seneca Indians, and for other purposes," reads as follows:

That the proceeds of the sum of one hundred thousand dollars, being the amount placed in the hands of the President of the United States, in trust, for the Seneca Tribe of Indians, situated in the State of New York, be hereafter passed to the credit of the Indian appropriation fund; and that the Secretary of War be authorized to receive and

pay over to the Seneca Tribe of Indians the sum of six thousand dollars, annually, in the way and manner as heretofore practiced, to be paid out of any money in the Treasury not otherwise appropriated.

Article 6 of the treaty of November 11, 1794 (7 Stat. L., 44), with the Six Nations of New York provides:

In consideration of the peace and friendship hereby established, and of the engagements entered into by the Six Nations; and because the United States desire, with humanity and kindness, to contribute to their comfortable support; and to render the peace and friendship hereby established strong and perpetual; the United States now deliver to the Six Nations, and the Indians of the other nations residing among and united with them, a quantity of goods of the value of ten thousand dollars. And for the same considerations, and with a view to promote the welfare of the Six Nations, and of their Indian friends aforesaid, the United States will add the sum of three thousand dollars to the one thousand five hundred dollars heretofore allowed them by an article ratified by the President on the twenty-third day of April, 1792; making, in the whole, four thousand five hundred dollars; which shall be expended yearly forever in purchasing clothing, domestic animals, implements of husbandry, and other utensils suited to their circumstances, and in compensating useful artificers who shall reside with or near them, and be employed for their benefit.

It will be seen from the foregoing that the treaty items in question are permanent, but these annuities may be commuted under the provisions contained in the act of April 30, 1908 (35 Stat. L., 70–73), reading as follows:

That the Commissioner of Indian Affairs is hereby authorized to send a special Indian agent, or other representative of his office, to visit any Indian tribe for the purpose of negotiating and entering into a written agreement with such tribe for the commutation of the perpetual annuities due under treaty stipulations, to be subject to the approval of Congress; and the Commissioner of Indian Affairs shall transmit to Congress said agreements with such recommendations as he may deem proper.

10. The next treaty item is for the benefit of the Pawnees of Oklahoma, found on page 19 of the act, and reads:

For fulfilling treaties with the Pawnees, Oklahoma: For perpetual annuity, to be paid in cash to the Pawnee (article three, agreement of November twenty-third, eighteen hundred and ninety-two), $30,000; for support of two manual-labor schools (article three, treaty of September twenty-fourth, eighteen hundred and fifty-seven), $10,000; for pay of one farmer, two blacksmiths, one miller, one engineer and apprentices, and two teachers (article four, same treaty), $5,400; for purchase of iron and steel and other necessaries for the shops (article four, same treaty), $500; for pay of physician and purchase of medicines, $1,200; in all $47,100.

The agreement of November 23, 1892, with the Pawnees, was ratified by section 12 of the act of March 3, 1893 (27 Stats. L., 644). The treaty of September 24, 1857, was proclaimed by the President on May 26, 1858 (11 Stats. L., 729).

The third article of the agreement of November 23, 1892, amends article 2 of the treaty of 1857 so as to read:

The United States agrees to pay to the Pawnees the sum of $30,000 per annum, as a perpetual annuity, to be distributed annually among them per capita, in coin, unless the President of the United States shall from time to time otherwise direct. But it is further agreed that the President may, at any time, in his discretion, discontinue said perpetuity by causing the value of a fair commutation thereof to be paid to or expended for the benefit of said Indians in such manner as to him shall seem proper. (See Senate Ex. Doc. No. 16, 52d Cong., 2d sess.)

Article 3 of the treaty of 1857 provides for two manual-labor schools, and provides further that—

the United States agree to furnish suitable houses and farms for said schools, and whatever else may be necessary to put them in successful operation; and a sum not less than five thousand dollars per annum shall be applied to the support of each school

so long as the Pawnees shall, in good faith, comply with the provisions of this article; but if at any time the President is satisfied they are not doing so, he may, at his discretion, discontinue the schools in whole or in part.

In article 4 of the same treaty (11 Stat. L., 730) the United States agrees to furnish the Pawnees: First, certain tools, erect shops, also furnish $500 annually, during the pleasure of the President, for the purchase of iron, steel, and other necessaries, and also to furnish two blacksmiths; second, to furnish farming utensils and stock worth $1,200 annually for 10 years, or during the pleasure of the President, and also to employ a farmer to teach the Indians the arts of agriculture; third, to have erected a steam mill not to exceed in cost $6,000, and to keep the same in repair for 10 years, and also to employ a miller and engineer for the same length of time, or longer, at the discretion of the President.

There is no provision in article 4 for teachers, but article 3 provides that the manual-labor schools authorized therein shall be governed by such rules and regulations as may be prescribed by the President of the United States.

It appears from the foregoing that the $30,000 appropriation in the treaty item for the Pawnees is a perpetual annuity, but may be commuted under the act of April 30, 1908 (35 Stat. L., 70–73).

The other treaty appropriations in favor of the Pawnees are not perpetual and may be discontinued in the discretion of the President and the Congress.

11. The treaty appropriation in favor of the Quapaws of Oklahoma is found on page 19 of the Indian act, and reads:

For support of Quapaws, Oklahoma: For education (article three, treaty of May thirteenth, eighteen hundred and thirty-three), $1,000; for blacksmith and assistants, and tools, iron and steel for blacksmith shop (same article and treaty), $500; in all, $1,500: *Provided*, That the President of the United States shall certify the same to be for the best interests of the Indians.

Article 3 of the treaty of May 13, 1833 (7 Stat. L., 424), with the Quapaws reads in part as follows:

The United States agree to provide a farmer to reside with them and to aid and instruct them in their agricultural pursuits and a blacksmith to do their necessary work, with a shop and tools and iron and steel not exceeding one ton per year. The United States also agree to appropriate one thousand dollars per year for education purposes to be expended under the direction of the President of the United States; the farmer and blacksmith and the above appropriation for education purposes to be continued only as long as the President of the United States deems necessary for the best interests of the Indians.

The treaty appropriation in favor of the Quapaws is not a perpetual annuity, but it is believed that the appropriation should "be continued as long as the President of the United States deems it necessary for the best interests of the Indians."

12. The treaty appropriation for the Choctaws of Oklahoma is found on page 22 of the Indian appropriation act, and reads as follows:

For fulfilling treaties with Choctaws, Oklahoma: For permanent annuity (article two, treaty of November sixteenth, eighteen hundred and five, and article thirteen, treaty of June twenty-second, eighteen hundred and fifty-five), $3,000; for permanent annuity for support of light-horsemen (article thirteen, treaty of October eighteenth, eighteen hundred and twenty, and article thirteen, treaty of June twenty-second, eighteen hundred and fifty-five), $600; for permanent annuity for support of blacksmith (article six, treaty of October eighteenth, eighteen hundred and twenty, and article nine, treaty of January twentieth, eighteen hundred and twenty-five,

and article thirteen, treaty of June twenty-second, eighteen hundred and fifty-five), $600; for permanent annuity for education (article two, treaty of January twentieth, eighteen hundred and twenty-five, and article thirteen, treaty of June twenty-second, eighteen hundred and fifty-five), $6,000; for permanent annuity for iron and steel (article nine, treaty of January twentieth, eighteen hundred and twenty-five, and article thirteen, treaty of June twenty-second, eighteen hundred and fifty-five), $320; in all, $10,520.

The above treaty provisions with the Choctaw Nation are permanent, and appropriations by Congress should be provided annually until the perpetual annuities of the Choctaw Nation are commuted as authorized in the act of April 30, 1908. (35 Stat. L., 70–73.)

13. The treaty provisions appearing on pages 24 and 25 of the Indian appropriation act, in favor of the different tribes of the Sioux Nation, read as follows:

For support of Sioux of different tribes, including Santee Sioux of Nebraska, North Dakota, and South Dakota: For pay of five teachers, one physician, one carpenter, one miller, one engineer, two farmers, and one blacksmith (article thirteen, treaty of April twenty-ninth, eighteen hundred and sixty-eight), $10,400; for pay of second blacksmith, and furnishing iron, steel, and other material (article eight of same treaty), $1,600; for pay of additional employees at the several agencies for the Sioux in Nebraska, North Dakota, and South Dakota, $95,000; for subsistence of the Sioux other than the Rosebud, Cheyenne River, and Standing Rock Tribes, and for purposes of their civilization (act of February twenty-eighth, eighteen hundred and seventy-seven), $200,000: *Provided*, That this sum shall include transportation of supplies from the termination of railroad or steamboat transportation, and in this service Indians shall be employed whenever practicable; in all, $307,000.

Article 13 of the treaty of April 29, 1868, with the Sioux Indians (15 Stat. L., 635–640) reads:

The United States hereby agrees to furnish annually to the Indians the physician, teachers, carpenter, miller, engineer, farmer, and blacksmiths, as herein contemplated, and that such appropriations shall be made from time to time, on the estimates of the Secretary of the Interior, as will be sufficient to employ such persons.

Article 8 of the same treaty provides in part as follows:

And it is further stipulated that such persons as commence farming shall receive instruction from the farmer herein provided for, and whenever more than one hundred persons shall enter upon the cultivation of the soil, a second blacksmith shall be provided, with such iron, steel, and other material as may be needed.

The appropriation in favor of the Sioux above quoted contains an item of $200,000 "for subsistence and civilization of the Sioux other than the Rosebud, Cheyenne River, and Standing Rock Tribes." (Act of Feb. 28, 1877; 19 Stat. L., 254.) Said act ratifies the "Black Hills agreement," in the fifth article of which the United States agrees to provide all necessary aid to assist the Indians in the work of civilization and to furnish subsistence and certain specific rations.

There appears to be no specific limitation or period of time for which these treaty provisions are to be continued, it being a matter within the discretion of the Congress.

14. The next provision in the Indian appropriation act, found on page 25, in favor of the Sioux Indians, and in the form of a treaty provision, reads:

For support and maintenance of day and industrial schools among the Sioux Indians, including the erection and repair of school buildings, $200,000, to be expended under the agreement with said Indians in section seventeen of the act of March second, eighteen hundred and eighty-nine, which agreement is hereby extended to and including June thirtieth, nineteen hundred and fourteen.

The agreement with the Sioux Nation of Indians contained in the act of March 2, 1889 (25 Stat. L., 888), was accepted by the Sioux

Nation and proclaimed by the President February 10, 1890. (26 Stat. L., 1554.) Section 17 of the act of March 2, 1889, supra, reads in part as follows:

That it is hereby enacted that the seventh article of the said treaty of April twenty-ninth, eighteen hundred and sixty-eight, securing to said Indians the benefits of education, subject to such modifications as Congress shall deem most effective to secure to said Indians equivalent benefits of such education, shall continue in force for twenty years from and after the time this act shall take effect * * *.

Article 7 of the treaty of April 29, 1868 (15 Stat. L., 635–637), reads as follows:

In order to insure the civilization of the Indians entering into this treaty, the necessity of education is admitted, especially of such of them as are or may be settled on said agricultural reservations, and they therefore pledge themselves to compel their children, male and female, between the ages of six and sixteen years, to attend school; and it is hereby made the duty of the agent for said Indians to see that this stipulation is strictly complied with; and the United States agrees that for every thirty children between said ages who can be induced or compelled to attend school, a house shall be provided and a teacher competent to teach the elementary branches of an English education shall be furnished, who will reside among said Indians and faithfully discharge his or her duties as a teacher. The provisions of this article to continue for not less than twenty years.

In the Indian appropriation act of April 4, 1910 (36 Stat. L., 284), the agreement in section 17 of the act of March 2, 1889, supra, was extended to and including June 30, 1911, and has been similarly extended in each subsequent Indian appropriation act. This treaty provision has expired by limitation, but the appropriation in question has been continued in the form of a treaty provision. The further continuation of this appropriation is within the discretion of the Congress.

15. The treaty provision in favor of the Confederated Bands of Ute Indians in Utah is found in page 26 of the Indian appropriation act and reads as follows:

For support and civilization of Confederated Bands of Utes in Utah: For pay of two carpenters, two millers, two farmers, and two blacksmiths (article fifteen, treaty of March second, eighteen hundred and sixty-eight), $6,720; for pay of two teachers (same article and treaty), $1,800; for purchase of iron and steel and the necessary tools for blacksmith shop (article nine, same treaty), $220; for annual amount for the purchase of beef, mutton, wheat, flour, beans, and potatoes, or other necessary articles of food (article twelve, same treaty), $30,000; for pay of employees at the several Ute agencies, $15,000; in all, $53,740.

Article 15 of the treaty with certain bands of Ute Indians concluded March 2, 1868 (15 Stat. L., 619–622), provides as follows:

The United States hereby agree to furnish the Indians the teachers, carpenters, millers, farmers, and blacksmiths, as herein contemplated, and that such appropriations shall be made from time to time, on the estimates of the Secretary of the Interior, as will be sufficient to employ such persons.

In article 9 of the same treaty it was agreed that an additional blacksmith to the one provided for in the treaty on October 7, 1863 (13 Stat. L., 675), should be provided, together with such iron, steel, and other material as may be needed for the Uintah, Yampa, and Grand River Agencies.

Article 12 of the same treaty reads as follows:

That an additional sum sufficient, in the discretion of Congress (but not to exceed thirty thousand dollars per annum), to supply the wants of said Indians for food, shall be annually expended under the direction of the Secretary of the Interior in supplying said Indians with beef, mutton, wheat, flour, beans, and potatoes, until such time as said Indians shall be found to be capable of sustaining themselves.

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There does not appear to be any further provision in the articles of the treaty with the Ute Indians, referred to in the Indian appropriation act, as to the duration or expiration of the time during which the benefits are to be given, but article 10 of the treaty of March 2, 1868, supra, reads:

> At any time after ten years from the making of this treaty, the United States shall have the privilege of withdrawing the farmers, blacksmiths, carpenters, and millers, herein and in the treaty of October seventh, one thousand eight hundred and sixty-three, referred to in article one of this treaty, provided for, but in case of such withdrawal, an additional sum thereafter of ten thousand dollars per annum shall be devoted to the education of said Indians, and the Commissioner of Indian Affairs shall, upon careful inquiry into their condition, make such rules and regulations, subject to the approval of the Secretary of the Interior, for the expenditure of said sum as will best promote the educational and moral improvement of said Indians.

It would appear from the foregoing that the continuation of the treaty benefits in favor of the Confederated Bands of Ute Indians is a matter within the discretion of the Congress.

16. The treaty item in the Indian appropriation act in favor of the Spokanes in Washington appears on page 26 and reads as follows:

> For support of Spokanes in Washington (article six of agreement with said Indians, dated March eighteenth, eighteen hundred and eighty-seven, ratified by act of July thirteenth, eighteen hundred and ninety-two), $1,000.

Article 6 of the agreement with the Spokanes in Washington, concluded March 18, 1887, ratified by the act of July 13, 1892 (27 Stat. L., 139), reads as follows:

> It is further agreed that in addition to the foregoing provisions the United States shall employ and furnish a blacksmith and a carpenter to do necessary work and to instruct the Indians, parties hereto, in those trades. (Annual Report of the Commissioner of Indian Affairs, 1892, p. 744.)

The foregoing provisions referred to are for allotments of lands in severalty and an agreement to expend for the benefit of said Indians the sum of $95,000, as follows: For the first year, $30,000; for the second year, $20,000; for each succeeding year thereafter, for eight years, $5,000; said money to be expended under the direction of the Secretary of the Interior in the removal of the said Indians to the Coeur d'Alene Reservation, in erecting suitable houses, etc.

The last of the 10 installments was appropriated in the act of March 3, 1901 (31 Stat. L., 1070). The continuation of the treaty appropriation for the benefit of the Spokanes in Washington would appear to be within the discretion of the Congress, inasmuch as no definite period is mentioned in article 6 of the agreement in question.

17. The treaty item in favor of the Shoshones in Wyoming appears on page 29 of the Indian appropriation act, and reads as follows:

> For support of Shoshones in Wyoming. For pay of teacher, physician, carpenter, miller, engineer, farmer, and blacksmith (article ten, treaty of July third, eighteen hundred and sixty-eight), $5,000; for pay of second blacksmith, and such iron and steel and other materials as may be required, as per article eight, same treaty, $1,000; in all, $6,000.

Article 8 of the treaty with the Eastern Band of Shoshones and the Bannock Tribe of Indians, which was concluded July 3, 1868 (15 Stat. L., 673, 676), provides in part as follows:

> And it is further stipulated that such persons as commence farming shall receive instruction from the farmers herein provided for, and whenever more than one hundred persons on either reservation shall enter upon the cultivation of the soil, a second blacksmith shall be provided, with such iron, steel, and other material as may be required.

Article 10 of said treaty provides:

The United States hereby agrees to furnish annually to the Indians the physician, teachers, carpenter, miller, engineer, farmer, and blacksmith, as herein contemplated, and that such appropriations shall be made from time to time, on the estimates of the Secretary of the Interior, as will be sufficient to employ such persons.

The first appropriation under these articles was made in the act of March 3, 1871 (16 Stat. L., 562). These appropriations have been made practically every year since the date last mentioned. The appropriation for the Bannock Indians is now found in the Indian appropriation act under "Idaho."

There does not appear to be any specified period of time in which these appropriations are to be continued. It is believed, therefore, that the matter is within the discretion of the Congress as to when they shall be discontinued.

If there is any additional information that I can furnish you in regard to the treaty items of the Indian appropriation act, I shall be glad if you will advise me, and I will take pleasure in complying with your request as promptly as possible.

Very truly, yours,

(Signed) CATO SELLS,
Commissioner.

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